

### **REMARKS/ARGUMENTS**

Upon entry of this Amendment, which amends claims 1, 2, 7, 10, 11, 14, 15, 19, 22, 26-27, 30-31, 35 and 42-45, claims 1-53 will be pending. Rejection of the currently pending claims is respectfully traversed.

Applicant thanks Examiner Carlos and Examiner Saadat for the interview on January 27, 2010. During the interview, the Schneider reference was discussed.

As stated during the interview, Applicant's position is that the claims as written are not obvious over the cited references because all of the claimed limitations are either not taught or suggested by the cited references; and even if for argument sake that the claimed limitations are disclosed, the cited references namely Canon, Schneider and Kerr are not properly combinable.

Applicant, nevertheless, has amended the claims to place the claims in condition for allowance and specifically to clarify that the term "duration" is a "time limit" as discussed during the interview. Applicant believes that no new search is required by this Amendment.

Applicant in addition to the amended claims hereby submits a Rule 1.132 Declaration for commercial success that further demonstrates that the claimed invention is not obvious in view of Canon, Schneider and/or Kerr. Applicant was unable to previously submit this Declaration because the accompanying market information data was unavailable at that time. Applicant respectfully requests admission of this Rule 1.132 Declaration.

### **Claim Objections**

Claim 31 was objected to because it recites "the method of claim 30." Claim 31 has been amended to recite "the apparatus of claim 30."

### **Claim Rejections – 35 USC § 100**

Claims 11-26 were rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter because the recited method claims do not transform underlying subject matter or are not tied to a particular machine. Claims 11 and 26 have been amended to "utilize

multiple networked gaming devices” for multiplayer secondary bonus games, thus tying the methods to particular networked gaming devices.

#### **Claim Rejections – 35 USC § 112**

Claim 11 was rejected because there is no antecedent basis for “the primary game.” Claim 11 has been amended to recite “a primary game.”

Claim 14 was rejected because the phrase “and/or” renders the claim indefinite. Claim 14 has been amended to delete the term “or.”

Claim 15 was rejected because the phrase “and/or” renders the claim indefinite. Claim 15 has been amended to delete the term “and.”

Claim 19 was rejected because the phrase “and/or” renders the claim indefinite. Claim 19 has been amended to delete the term “and.”

Claim 26 was rejected because there is no antecedent basis for “the first eligible player.” Claim 26 has been amended to recite “a first eligible player.”

Claim 27 was rejected because there is no antecedent basis for “the secondary game indication cycle.” Claim 27 has been amended to recite “a secondary game indication cycle.”

Claim 30 was rejected because the phrase “and/or” renders the claim indefinite. Claim 30 has been amended to delete the term “or.”

Claim 31 was rejected because the phrase “and/or” renders the claim indefinite. Claim 31 has been amended to delete the term “and.”

Claim 35 was rejected because the phrase “and/or” renders the claim indefinite. Claim 35 has been amended to delete the term “and.”

Claim 42 was rejected because there is no antecedent basis for “the first eligible player.” Claim 42 has been amended to recite “a first eligible player.”

Claim 45 was rejected because there is no antecedent basis for “the first gaming device.” Claim 45 has been amended to recite “a first gaming device.”

### **CONCLUSION**

Applicants believe all claims now pending in this Application are in condition for allowance. Reconsideration and withdrawal of objection and rejections of all claims is respectfully requested. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 400-8890.

Respectfully submitted,

s/Fidel D. Nwamu/

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